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SUMMARY RECORD OF THE 1189th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 27 October 1992, at 10 a.m.

Chairman: Mr. EL SHAFEI

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Second periodic report of the United Republic of Tanzania (CCPR/C/42/Add.12)

1. At the invitation of the Chairman, Mr. Mangachi and Mrs. Mrema (United Republic of Tanzania) took places at the Committee table.

2. Mrs. MREMA (United Republic of Tanzania), introducing her country's second periodic report (CCPR/C/42/Add.12), said that a number of factors had prevented her Government from submitting the report on time. First of all, apart from a lack of technical expertise, manpower had been insufficient. Furthermore, as was the case in many developing countries, there was a lack of coordinated information on human rights.

3. During its 30 years of independence, the United Republic of Tanzania had had a democratically chosen single party. Elections had been held every five years and the overwhelming majority had voted for the same President until his voluntary retirement a few years previously. However, noting the winds of democratization sweeping across the world, and in Africa in particular, her country had not wished to be isolated from the process. Therefore, one year previously, a Special Commission had been established to travel around the country to determine whether the single-party system should be maintained or a multiparty system adopted. Despite the fact that only 20 per cent of the population interviewed had been in favour of a multiparty system and 80 per cent had supported the continuation of the single party, the Government had decided to accept the minority view and, in early 1992, had opted for a multiparty system. As a result, the Constitution had been amended in April 1992. The political parties had already obtained their provisional registration. A new Political Parties Act had been introduced and the parties had been given three years to prepare for the first multiparty presidential election in 1995.

4. Her country's efforts had been greatly hampered by the unfavourable economic situation that continued to exist in many parts of the world. Inflation and devaluations of the local currency continued to cause considerable dissatisfaction among the population.

5. With regard to freedom of the press, she said that despite the fact that the members of the Government had been subjected to name-calling, no action had been taken to restrict that freedom. The number of privately owned newspapers and publications continued to increase.

6. The report was already outdated and, in considering it, the Committee should take into account the changes to which she had referred.

7. The CHAIRMAN invited the Tanzanian delegation to reply to the questions in section I of the list of issues concerning its second periodic report, which read:

"I. Constitutional and legal framework; self-determination; state of emergency and right to participate in the conduct of public affairs (arts. 1, 2 (2) and (3), 4 and 25)

(a) Can the provisions of the Covenant, in particular those not reflected in the Bill of Rights, be directly invoked before the courts under the amended Constitution and have there been any cases where this has been done? If so, what are the results?

(b) Has domestic legislation been reviewed for its compatibility with the amended Constitution?

(c) Have any laws, decrees or administrative acts been challenged as unconstitutional on the ground that they infringed a right guaranteed under the amended Constitution? If so, please provide examples.

(d) Please elaborate on how court practice has been brought into line, pursuant to the Criminal Procedure Act as amended, with the standards set out in the Covenant.

(e) Have the functions of the Permanent Commission of Enquiry (PCE) changed as a result of the amendments to the Constitution and the Criminal Procedure Act? Please comment on the Commission's activities and effectiveness and the extent of public knowledge of its existence and role.

(f) How does the United Republic of Tanzania guarantee the application of articles 1 and 25 of the Covenant within its political system?

(g) Please clarify how the rights to life and to the inviolability of personal freedom in a state of emergency are ensured (see para. 65 of the report)."

8. Mrs. MREMA (United Republic of Tanzania), referring to paragraph (a), said that the amended Constitution had entered into force only in July 1992. It was too soon to say whether some of the provisions of the Covenant had been directly invoked before the courts under the amended Constitution.

9. With regard to paragraph (b), she said that the process of legislative review had started. At the time of the amendment of the Constitution, the Election Act and the Lawful Authorities Act had also been amended to bring them into line with the Constitution. Only the most important legislation had been reviewed at that time. It was clear that many laws would have to be modified, and some amendments would be presented to the Parliament at its next session in December 1992 or January 1993.

10. With respect to paragraph (c), the situation was similar to that described in regard to paragraph (a), since not enough time had elapsed to obtain any specific information.

11. Referring to paragraph (d), she said that she had not yet received any response from the appropriate Government agency.

12. As to paragraph (e), she said that, with the amendment of the Constitution, the activities of the Permanent Commission of Enquiry had come to a halt. In a multiparty system, either the functions of the Commission would have to change or it would have to be abolished altogether. With regard to the question concerning the extent of public knowledge of the existence and role of the Permanent Commission, the public had been informed through circulars published by the Commission and through the press and radio broadcasts.

13. Turning to paragraph (f), she said that nearly all the provisions of human rights instruments were reflected in the Constitution and had not been affected by the constitutional amendments. Lawyers and judges invoked those rights in connection with various cases before the courts.

14. With regard to paragraph (g), no state of emergency had been proclaimed since independence. That fact made it difficult for the Government to visualize an amendment to the provision in question.

15. Mr. MANGACHI (United Republic of Tanzania) said, with regard to paragraph (g), that the only things which had changed in regard to the emergency regime was the procedure for the proclamation of a state of emergency and the requirement for the President to report to the National Executive Committee of the Party. Those provisions had been amended to reflect the new multiparty system.

16. Mr. LALLAH said he found the report an excellent one and noted that the delay in its submission had been due to a lack of resources and expertise.

17. He was pleased to see that the report took account not only of the provisions of the Covenant, in particular articles 6 and 7, but also of the detailed comments made by Committee members. The Committee would have a number of issues to raise, especially in the light of the changes that had taken place in the political system in the past year. He was gratified by the Government's awareness that the making of laws was one thing but practice was another. He was glad to see that practice reflected in the report.

18. The process of constitutional change was still continuing and he hoped it might be completed by the time the next report was submitted. Such a fundamental change must not be embarked upon without an awareness of the possible consequences. For instance, in eastern Europe, the change from a unitary system to a more liberal one had exacerbated differences which a greater awareness of secular values might perhaps have prevented. He was sure that in the United Republic of Tanzania the attachment to secular values was such that there need be no fear of undesirable tendencies once the unitary political system was replaced by a more liberal one.

19. He welcomed the detailed treatment given in the report to the Government's efforts to promote equality of the sexes. He appreciated the measures taken to set up political bodies respecting that principle and the reforms made in the educational system to ensure that women had the same advantages as men. There were of course a number of shortcomings resulting from customary practices, but he hoped that the work of the Committee would assist the Government in those reforms. As the delegation would be aware, the Committee took decisions in a number of cases under the Optional Protocol and some involved measures intended to bring about equality between men and women.

20. Since the United Republic of Tanzania had a well-ingrained system of customary laws, he wondered whether a constitutional provision might not be enacted stating simply that in so far as customary laws violated the equality provisions in the Constitution, those laws might be voided. That would give carte blanche to the judiciary to bring about equality.

21. Lastly, guarantees of the right to life and other rights from which no derogation was possible under article 4 of the Covenant should be written into the law.

22. Mr. ANDO said that he fully endorsed the comments made by Mr. Lallah concerning the quality of the report.

23. He wished to put three questions to the delegation. First of all, he would like to know what had prompted the decision to adopt a multiparty system despite the fact that it was supported only by a minority.

24. He also wondered why there were no separate sections in the report providing information concerning the application of articles 23-27 of the Covenant, which constituted the core of its provisions concerning the family, children, participation in public life, non-discrimination and protection of minorities.

25. Lastly, he would like to know what was the relationship between the Constitution of the United Republic of Tanzania and that of Zanzibar and what effects, if any, the current political changes might have on the latter. He would also welcome further comments on the necessity of having two constitutions.

26. Mr. AGUILAR URBINA extended a warm welcome to the delegation of the State party and commended the excellent second periodic report, which not only described the current legal situation but frankly admitted shortcomings in the application of the law and enjoyment of the rights set forth in the Covenant. That spirit of self-criticism was essential for making progress.

27. Turning to section I of the list of issues, he inquired whether the provisions of the Covenant could be directly invoked before the courts, especially in respect of rights not enumerated in the Bill of Rights embodied in the Constitution. From the list given in paragraph 13 of the report, it did not appear that the Bill contained all the rights covered by the Covenant.

28. Regarding the transition to a multiparty system, he noted that the next elections were not due until 1995. What, meanwhile, was the status of the

Chama Cha Mapinduzi (CCM) Party and what was its role in decision-making? He further inquired what was the relationship between the Party Constitution, the Constitution of the United Republic of Tanzania and the Constitution of Zanzibar, and which prevailed in case of conflict. More information would also be appreciated concerning enjoyment of the rights set forth in article 25 of the Covenant and on amendments to section 38 (2) of the Constitution. Paragraph 10 of the report stated that only bona fide members of CCM could vote in periodic elections. What was meant by "bona fide members" and how far did they oppose a multiparty system?

29. Paragraph 18 of the report referred to the constitutional provision that no person could be subject to arrest, detention, exile, restriction or deprivation of liberty, save in certain circumstances. He wished to know what those circumstances might be. Also, paragraph 20 mentioned restrictions on freedom of movement and residence which could perhaps be clarified by the delegation.

30. Like Mr. Lallah, he was concerned by the provisions allowing for derogations from the right to life. Article 4 (2) of the Covenant was very explicit on that matter and the subject was of even greater concern in that, according to paragraph 68 of the report, derogations from the right to life were also permitted "in ordinary times". The following paragraph, however, referred to such measures being allowed only "in respect of death caused as a result of acts of war". Could the delegation of the State party clarify that apparent contradiction and also explain when and on what grounds it was possible to derogate from the provisions of sections 14 and 15 of the Constitution in respect of individuals believed to be conducting themselves in a manner that endangered or compromised national security (para. 65 of the report)?

31. In conclusion, referring to paragraph 56 of the report, he noted that efforts were being made to identify customary laws and other enactments which adversely affected women's legal rights. Had any conclusions been reached and what reforms were being considered?

32. Mr. SERRANO CALDERA welcomed the delegation of the State party and commended the excellent report, which had been drafted largely in accordance with the Committee's guidelines. Turning to section I of the list of issues, he inquired whether the Covenant formed part of the general legal framework of the United Republic of Tanzania and, if so, whether it had the status of an ordinary law or ranked as a constitutional law.

33. The Constitution of the United Republic of Tanzania (sects. 125 and 126) established a Special Constitutional Court. Could the delegation of the State party explain the Court's role in making reconciliatory decisions in respect of disputes as to interpretation or implementation of the Constitution between the Government of the United Republic and the Revolutionary Government of Zanzibar? Also, was the function of authentic interpretation of the Constitution vested in the Constitutional Court or in the parliamentary machinery? Furthermore, did there exist means of recourse for unconstitutionality; if so, what role did the Constitutional Court play in

that regard and who could institute such an action? Lastly, could the provisions of the Covenant be invoked in cases involving issues of constitutionality?

34. It was clear from paragraphs 14, 15 and 34 of the report that many of the functions relating to the protection and promotion of human rights were assigned to the ruling Party. In that connection, he wondered who would be responsible for carrying out those functions when the single-party system disappeared. Would they remain with the current ruling Party or would they be vested increasingly in the Government, in which case which Government bodies would exercise those functions?

35. Miss CHANET, welcoming the delegation of the State party, said that she shared the views of previous speakers concerning the quality of the second periodic report, which, although submitted with considerable delay, was very frank in setting out the many difficulties faced in implementing the provisions of the Covenant. Since, however, the country was now in a transitional situation which made the information in the report somewhat out of date, it would have been helpful if the delegation of the State party had included representatives of the central administration to provide more specific details about changes planned in the period ahead.

36. With reference to the national Constitution, section 30 (2) declared that no provision contained in Part III thereof was to be construed as invalidating any existing law or prohibiting the enactment of any law ensuring that the rights and freedoms of others or the public interest were not prejudiced by the misuse of individual rights and freedoms. She wondered what was meant by "the public interest", whether the delegation felt that the section in question was compatible with the Covenant - which did not envisage such restrictions as were provided therein - and whether there was any intention to amend section 30 in the new political context.

37. Concerning the organization of the judiciary, paragraph 150 of the report referred to the security of tenure of judges, but that was only one element in guaranteeing judicial independence. While paragraph 149 mentioned a separation of powers between the legislature, the executive and the judiciary, it was admitted that there was no provision expressly spelling it out. Furthermore, it appeared that the President appointed the Chief Justice, who in turn presided over the judicial system. Consequently, it was difficult to accept the view expressed in paragraph 162 of the report that there was a high degree of independence and autonomy for the judiciary.

38. Like Mr. Lallah and Mr. Aguilar Urbina, she would appreciate clarification on the operation of section 31 of the Constitution, since there appeared to be a contradiction between what was stated in paragraph 65 of the report, namely that derogation from the right to life was permissible under section 31 (1), and what was said in paragraph 69 regarding the effects of section 31 (1), which were further qualified by section 31 (3).

39. Lastly, she inquired whether the United Republic of Tanzania planned to accede to the Optional Protocol to the Covenant.

40. Mr. MÜLLERSON warmly welcomed the delegation of the State party and commended the informative second periodic report, which contained references not only to laws and regulations but also to difficulties encountered in the implementation of the Covenant.

41. He noted with satisfaction a number of positive developments, such as the inclusion of a Bill of Rights in the body of the Constitution and the transition to a multiparty system. In the latter connection, paragraphs 32 and 33 of the report were frank in admitting factors militating against greater enjoyment of the rights set out in the Covenant, including low educational levels, outmoded cultural practices, and so on. What was missing from that list of factors was the existence of a one-party system. At the theoretical level, he would agree that such a system did not necessarily imply a violation of the Covenant, but in practice it certainly led to abuses. In any event, the single party inevitably merged with the State; paragraphs 61-64 of the report showed that process very clearly. The move to a multiparty system was thus particularly welcome.

42. Paragraph 71 of the report mentioned a current attempt by an advocate to proceed with the private prosecution of six police officers alleged to have killed a suspect while interrogating him. Such initiatives were also encouraging and he would like to know whether the case had now been heard by the High Court and, if so, what had been the outcome.

43. On article 4 of the Covenant, the circumstances for the declaration of a state of emergency enumerated in paragraph 60 of the report were rather broad and imprecise, thus allowing of varying interpretations. That applied particularly to subparagraph (e), which provided that the President could declare a state of emergency where there was "some other kind of public danger which clearly constitutes a threat to the State or its continued existence". Although no state of emergency had as yet been declared in the United Republic of Tanzania, such broad provisions should be reconsidered.

44. There was probably some misunderstanding with respect to derogation from the right to life. In paragraph 70, it was stated that the State not only took measures to prevent and punish deprivation of life by criminal acts but also prohibited arbitrary killing by the country's security forces, whereas it was stated in paragraph 65 that derogation from the right to life was permissible. He would welcome some explanation.

45. He also wished to know more about the policy of Ujamaa under section 9 of the Constitution and to have further information about the strength and political characteristics of the newly registered parties and the relations between them and the ruling Revolutionary Party. Under the Constitution, the latter party was heavily involved in the everyday running of the country. The provisions in question had envisaged a one-party system. How did they function during the transitional period, when 18 parties had already been registered? The representative of the State party had indicated that it was planned to hold multiparty presidential elections in 1995. Were there any plans to hold parliamentary elections under the new system?

46. Mr. DIMITRIJEVIC joined in welcoming the delegation of the United Republic of Tanzania. The report was an excellent one not only because it reported honestly on events in the country but also because it allowed the Committee to share the problems faced by its Government and people in their

efforts to attain the highest standard of human rights. The questions Committee members had raised with respect to the one-party State were of extreme interest because the Committee was in the process of preparing a draft general comment on article 25 of the Covenant.

47. The report covered a 10-year period, within which, in 1984, the one-party State had been fully established. According to the Constitution, the highest authority of State power was the Party. That could have very serious consequences. What, for example, would be the situation of a person who was not admitted to or was expelled from membership of the Party? Would he or she enjoy the full rights and privileges that all citizens should enjoy? The arguments advanced against a multiparty system - such as the state of turmoil following decolonization, insufficient development of political consciousness or the danger of foreign influence on political life - had become obsolete.

48. A further question related to the definition of the United Republic of Tanzania in section 9 of the Constitution as a socialist State. What were the elements of the doctrine of Ujamaa? Section 9 (k) stated that the country was governed in compliance with the principles of democracy and socialism, but the word "socialism" had many differing interpretations. In some socialist countries whose reports had been examined by the Committee, it was understood as being similar to the notion of "ordre public", or public policy, which meant that there was a general philosophy of the political system that influenced the interpretation of everything under its purview. It was sometimes indicated that a particular right had to be interpreted in accordance with the development of socialism. For example, freedom of association or freedom of expression could, in that interpretation, be tolerated only if they corresponded to socialism. Did the socialist dimension have any practical consequences in the interpretation of various rights in the United Republic of Tanzania?

49. The subject-matter of paragraphs 181-187 of the report could more properly be considered under article 25 of the Covenant than under articles 21 and 22. He would welcome further information concerning the application of article 25 and the apparent incompatibility of the one-party State with that article.

50. Mrs. HIGGINS welcomed the Tanzanian delegation and commended the report, which was good by any standards, and which showed great technical expertise. In addition to describing the recent changes in legislation, it showed what lay behind them and described the difficulties encountered. She particularly appreciated its frank acknowledgement of the fact that persons did not always enjoy their rights, and was impressed by what was said about the role of the courts as a guarantor of rights. She had attended a colloquium at which a Tanzanian appeal court judge had spoken, and she had been much impressed by his great interest in the Covenant and his commitment to human rights.

51. Paragraph 26 appeared to assume that it was the role of the media to publicize the Covenant. The media were free and were not simply servants of the State, which should be responsible for such publicity. It was indicated in paragraph 32 that most of the population were unaware of the existence of the Covenant which, where available, was in English - a language not generally spoken. The State should endeavour to deal with the matter through the advisory services of the Centre for Human Rights and give priority to the

translation of the Covenant into local languages, and to its dissemination. That would become particularly important in the period of transition to multiparty rule.

52. She was particularly pleased to note from the report the clear understanding that self-determination was an ongoing requirement for States. Was a future move towards more autonomy in Zanzibar anticipated, and what arguments were there for or against such a move? Would it be considered necessary for the realization of internal self-determination?

53. She associated herself with the views expressed by Mr. Müllerson and Mr. Dimitrijevic concerning the transition to multiparty rule. Although the Covenant did not expressly call for that type of government, it was clear that many of the freedoms guaranteed under it could not be provided within a single-party system, although she realized that the move to multiparty rule had its own dangers. In that regard, the Chama Cha Mapinduzi (CCM) Party bore a heavy responsibility for ensuring that the transition occurred within a framework that guaranteed stability as a precondition for enjoyment of rights. Would the new rules for political parties, which prohibited any party based on colour, tribe, sex or religion, preclude the organization of political parties in Zanzibar, or was there likely to be a party that could appeal both to the population of Zanzibar and to that of the mainland?

54. She wished to know what the representative of the State party had meant by the term "provisional registration". Was there any problem about the registration of the Democratic Alliance Party? She would also like to know more about the controls exercised through registration. During the run-up to the elections, it would be necessary to have properly organized meetings, and she was somewhat concerned that prior permission for meetings had to be given by the District Commissioner, who was still within the CCM movement and who was said to be not always available to give such authorization. She would like further information on that point.

55. Mr. WENNERGREN, welcoming the delegation, said that Sweden had maintained close cooperation with the United Republic of Tanzania for many years and a Swedish woman had been a member of its National Assembly. He greatly appreciated the frankness of the excellent report, which not only described Tanzanian legislation but also the difficulties and problems encountered in applying the Covenant. The inclusion of the Bill of Rights in the Constitution represented great progress.

56. The delegation had explained that the country's economic situation was causing a shortage of judges which might affect the implementation of the Covenant. It was stated in paragraph 95 of the report that officers in charge of police stations were required to report to the nearest magistrate, within 24 hours or as soon as practicable, the cases of all persons arrested without warrant. How was that requirement fulfilled in so large a country in the case of a detainee from a remote rural area? Could some examples be given of the difficulties encountered in that regard?

57. He would like to know more about the likely consequences of the move to a multiparty system on the relationship between the mainland and Zanzibar. Might it not give rise to increased support for self-government movements in

Zanzibar, and were there any such movements elsewhere that might be encouraged by the move, for example in Pemba, which was a densely populated island some considerable distance from the mainland?

58. Mr. PRADO VALLEJO joined in welcoming the Tanzanian delegation and commending the report which, unlike some other State party reports, candidly acknowledged the difficulties encountered in implementing the Covenant. The progress made in adopting a new Constitution to include human rights aspects and in moving towards a multiparty system was encouraging. What opportunities would the multiparty system offer for the creation of new democratic political parties? Had the new system been put into effect or was it still merely theoretical? If the latter, why was that the case? Was there any political hostility among parties or any problem concerning the right to dissent, and was there any political persecution such as the holding of prisoners of conscience?

59. He welcomed the Tanzanian position, as shown in the report, with respect to the right to self-determination. He would like to have some further explanation, however, about the Party Constitution referred to in paragraph 3 as applying both to the mainland and Zanzibar. Was the Government party the same party for both parts of the United Republic, and in the event of party changes in Zanzibar would one that differed from that in the mainland be allowed to govern? As he understood it, there was only a single party governing the two parts of the United Republic, and party rules applied throughout. He further understood that members of a Zanzibar independence movement had been detained and that there had been some repression of citizens. Were the detainees still being held?

60. It was stated in paragraph 24 that the Newspaper Act protected the public interest through the prohibition of acts such as sedition and the publishing of false news. Who was responsible for determining whether or not a news item was false and prohibiting its publication, and what remedy was available in such cases?

61. The statement in paragraph 25 that the Government had "seldom" found it necessary to ban the importation of any foreign publication or to prohibit the publication of any local periodical showed that there had nevertheless been some instances in which the Government had exercised such prohibition. Why had that been done, and was the publication of any newspaper still prohibited?

62. It was indicated in paragraph 26 that the media had failed to publicize the Covenant widely because of scarcity of resources. The Government itself could do a great deal to disseminate information on the Covenant, not only through the mass media but also through educational programmes in schools and universities. Did it have any plans to do so?

63. With reference to paragraph 35 of the report, he would like to know more about the policy of Ujamaa. It seemed to be fundamental in the United Republic of Tanzania, but what exactly was its scope and how was it applied?

64. Referring to the statement in paragraph 40 of the report to the effect that the achievement of complete equality between men and women was still a long way off, he asked what specific action the Government was taking in pursuit of that goal. Paragraph 36 (e) indicated that the Government and all

public institutions provided equal opportunities to all citizens irrespective of a number of factors. Why was political opinion not mentioned in that listing?

65. He welcomed the fact that there had been no cause to invoke the provisions for derogation from certain rights under article 4 of the Covenant - in other words, that there had been no national emergencies. In paragraph 62 of the report, however, it was indicated that the President could exercise extraordinary power during a state of emergency. He would like to know what sort of situations would qualify as a state of emergency, to what end the President would exercise extraordinary power, and whether that might entail limitation of the civil and political rights set out in the Covenant. Paragraph 65 of the report indicated that derogation from the right to life was permissible according to the Constitution. He wished to know under what circumstances that was possible: after all, the right to life was primary among all human rights.

66. Turning to paragraph 57 of the report, which indicated that Parliament should take steps to improve the status of women, he said that it was not just Parliament but the Government as a whole that had the fundamental duty to do so.

67. Mr. MANGACHI (United Republic of Tanzania) extended sincere thanks to all members of the Committee who had made complimentary remarks about the report. Their comments would be transmitted to the Government and would be a source of encouragement for work on future reports. If the Committee had no objection, he would reply at the next meeting to questions put orally by members in connection with section I of the list of issues.

68. The CHAIRMAN said that, although the usual practice was for answers to be given immediately following the questions put orally by members of the Committee, if the Tanzanian delegation needed more time to p pare, it could reply to the oral questions at the next meeting.

69. He invited the delegation to respond to the questions in section II of the list of issues, which read:

"II. Right to life, treatment of prisoners and other detainees, liberty and security of the person and right to a fair trial (arts. 6, 7, 8, 9, 10, 11, 14, 15, 16 and 17)

(a) Please provide figures for death sentences that have been imposed and carried out in the last 10 years. What are the reasons for differences in policy between the mainland and the island (Zanzibar) as suggested in paragraph 72 of the report?

(b) With reference to paragraph 67 of the report, please explain how the right of persons sentenced to death to seek pardon or commutation, pursuant to article 6 (4) of the Covenant, is ensured.

(c) What are the rules and regulations governing the use of firearms by the police and security forces? Have there been any violations of these rules and regulations and, if so, have such allegations been investigated, those responsible been punished and measures taken to prevent their recurrence?

(d) With reference to paragraph 75 of the report, please elaborate on measures taken by the Government in the field of health care, particularly with a view to reducing infant mortality.

(e) Are the United Nations Standard Minimum Rules for the Treatment of Prisoners complied with? How have these provisions been made known to the concerned police, armed forces and prison personnel as well as, in general, to all persons responsible for holding interrogations?

(f) In view of its role in securing the rights under the Covenant, what is the position of the legal profession in law and practice? Has it been influenced by recent amendments of the Constitution and statutes?

(g) Is there any free legal aid and advisory scheme and, if so, how does it operate? If not, how is compliance with article 14 (3) (d) of the Covenant ensured?"

70. Mrs. MREMA (United Republic of Tanzania), referring to paragraph (a) of the list of issues, said she did not have exact data on the number of death sentences imposed in the previous 10 years. It should be noted, however, that only the High Court and the Court of Appeal could hand down a death sentence, and such a sentence must be approved by the President himself.

71. The second part of paragraph (a) raised the question of differences in policy between the mainland and the island. Since Tanganyika and Zanzibar had been united in 1964, two Constitutions had been operative: one, the so-called Union Constitution, covered both the mainland and the island, but Zanzibar had its own Constitution as well. The responsibilities of ministers could likewise be single or dual. The Department of Fisheries had two separate ministers, one for the island and one for the mainland, but the Ministries of Defence, Foreign Policy, Higher Education and Home Affairs were headed by a single minister with jurisdiction over both the island and the mainland. As far as legislation was concerned, if there was no specific statement that it applied to Zanzibar as well as to the main' ıd, Zanzibar was assumed to have its own separate legislation. The judiciary was separate, one Attorney-General serving for the mainland and another for Zanzibar.

72. With regard to paragraph (b), she gave the example of a woman who had attempted to commit suicide together with four of her children. The woman and one child had survived but the other three children had died, and for that reason she had been sentenced to death. Following a presidential pardon, however, she had been released.

73. Turning to paragraph (c), she mentioned the Prisons Act, the Firearms Act and regulations on the use of firearms by police officers. There had been cases of misuse of firearms by police and security forces, sometimes resulting in the death of innocent citizens. Action had always been taken against the police or security officers involved in such incidents. It was noteworthy that the current President of the country, when serving as Minister of Home Affairs, had resigned over the killing of citizens as a result of interrogations by police officers, when it had been found that the officers

had used excessive force. His resignation was a good example of the accountability of leaders and the fact that they clearly did not condone excessive use of force or misuse of firearms.

74. With reference to paragraph (d) of the list, she said that infant mortality was being reduced, but a further reduction was hindered by lack of funds. That was the problem with health-care efforts in general. Health services were provided to the population free of charge by the Government, but sometimes the lack of resources meant that primary health-care centres, especially in rural areas, were not supplied with medicines. Nevertheless, the Government had accomplished a great deal in health care in both rural and urban areas.

75. In reference to paragraph (e), she said the United Nations Standard Minimum Rules for the Treatment of Prisoners were being complied with, though problems sometimes occurred. She had already referred to the misuse of firearms by police officers. Efforts were consistently made to educate police officers on proper treatment of prisoners through national seminars organized by the Minister of Home Affairs and through the provision of fellowships for officers to attend seminars abroad. However, awareness of what proper treatment involved was one thing, translating that awareness into practical action was another.

76. Concerning the questions on the legal profession in paragraph (f), she said there was now a good quantity of lawyers in the country. The Legal Aid Committee of the University of Dar-es-Salaam and the Tanganyika Law Society assisted individuals who had legal problems but could not afford to engage a lawyer. Since the majority of the population was poor, the facilities offered by the Committee and the Society were in great demand; the biggest problem was the lack of sufficient staff to fill the demand.

77. As to how the recent amendments to the Constitution and statutes had influenced the legal profession, she said a number of lawyers, writing in the newspapers, had generated a lively debate of the pros and cons of the transitional period now being experienced by the country. Seminars were being held to permit an exchange of views on the transitional period and to help publicize the imminent changes.

78. In connection with the question in paragraph (g), she said she had already mentioned the free legal aid given by the Legal Aid Committee and the Tanganyika Law Society. A group called the Tanzania Women Lawyers' Association had just been established for the purpose of assisting women who had legal problems but could not afford to engage private lawyers. It was hoped that with time and under the multiparty system to be instituted, more such associations that could offer free legal aid to the population would be established.

79. Mr. MANGACHI (United Republic of Tanzania), referring to paragraphs (a) and (b) of the list of issues, said the number of death sentences carried out was very small, owing to the general atmosphere of peace in the country and the strict control of crime. The imposition of the death sentence was viewed as a very serious matter, and often a considerable period of time elapsed between the verdict and the execution, allowing ample opportunity for a presidential pardon.

80. In connection with paragraph (c), he said very strict controls were applied to the possession of firearms, both among the general population and by police and security officers. Such officers who required firearms for their personal security were obliged to register them. During the war with Uganda, many firearms had fallen into the hands of individuals not authorized to carry them. The Government had had to make intensive efforts to collect the firearms and ensure strict adherence to the procedures for distributing them to authorized individuals.

81. In connection with paragraph (d), he said that with assistance from UNICEF and WHO, his country had achieved a high degree of child immunization, over 80 per cent, which greatly contributed to the reduction of infant mortality.

82. Concerning paragraph (e) of the list of issues, he said medical services were available to prisoners in their places of detention. When necessary, prisoners were transported under security to hospitals for treatment. In granting pardons to prisoners who had not committed serious offences, the President had included many who suffered from terminal or contagious diseases.

83. In connection with paragraph (f), he said private legal practice, which had not existed until fairly recently, was now fully operational and in great demand. There was a large pool of lawyers to choose from, the only constraint being the cost of private legal services. The Government was endeavouring to ensure that legal services were available to the entire population, not only to a fortunate few.

The meeting rose at 1.05 p.m.